



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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W. Simone Nicholson
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December 8, 2022

VIA ECF

Hon. Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *A.C. et. al. v. NYC Dep't of Educ., No. 22-cv-5808 (KPF)(BCM)*

Dear Judge Failla:

I am Special Assistant Corporation Counsel in the office of Corporation Counsel, Sylvia O. Hinds-Radix, attorney for Defendant in the matter referenced above, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act 20 U.S.C. §1400, *et. seq.* ("IDEA"), as well as for this action.

I write to respectfully request the following:

1) Adjournment of the Initial Pre-Trial Conference ("IPC") scheduled for December 15, 2022 and attendant deadline for submission of a Case Management Plan ("CMP") *sine die*. This is the first request for an adjournment and Plaintiff consents. The parties would like an opportunity to see if we can settle this action. To that end, Plaintiff provided Defendants with their billing records, which Defendants are currently reviewing. Once the review is completed the parties will need time to engage in settlement negotiations, and are hopeful that the matter will be resolved without the need to utilize Court resources. The parties have a successful track record of resolving IDEA fees cases without the need for court intervention.

2) A further 45-day extension, *nunc pro tunc*, to respond to the complaint—from December 1 to January 16, 2023. This is the second request for an extension. The first request was granted on I apologize for overlooking the December 1 deadline. It was inadvertent, and due to an administrative oversight and my absence from the office to handle a family medical emergency, and

3) A further status letter due in 30 days, by January 9, 2023 updating the Court on the status of settlement negotiations .

Thank you for considering this submission

Respectfully submitted,

Simone Nicholson

/s/ W. Simone Nicholson

Special Assistant Corporation Counsel

cc: Erin O'Connor, *Of Counsel*, Attorney for Plaintiff (via ECF)

Application GRANTED. The initial pre-trial conference scheduled for December 15, 2022 is hereby ADJOURNED *sine die*. The parties are directed to file a status letter with the Court regarding settlement negotiations by **January 9, 2023**, and Defendant's deadline to answer or otherwise respond is hereby extended to **January 16, 2023**. The Clerk of Court is directed to terminate the pending motion at docket number 13.

Dated: December 9, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE